

## Message Text

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ORIGIN AF-06

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INR-07 NSAE-00 SS-15 SP-02 NSC-05 SSO-00 INRE-00 /045 R

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O 161823Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY KINSHASA IMMEDIATE

LIMITED OFFICIAL USE STATE 086956

E.O. 11652: N/A

TAGS: EINV, ECON, CG

SUBJECT: ALHADEFF INTERESTS

REFS: KINSHASA 3076, 2901 AND 2811; STATE 085051

1. EMERSON DUNCAN AND DON ALLEN OF LAW FIRM DUNCAN, ALLEN AND MITCHELL MET WITH DEPARTMENT OFFICIALS APRIL 15 TO DISCUSS ALHADEFF SITUATION AND REQUEST USG ASSISTANCE.

2. DUNCAN PRESENTED LETTER LAYING OUT IN DETAIL DURATION AND EXTENT OF U.S. OWNERSHIP IN AFFECTED PROPERTIES. TEXT TELEXED APRIL 15 TO MITHCELL IN KINSHASA AND SHOULD BE AVAILABLE TO EMBASSY. LETTER STATES AMCIT HEIRS ALBERT ALLEGRA AND ELIE ALHADEFF (NATURALIZED 1955) INHERITED 37.5 PERCENT OF ESTATE OF MAURICE ALHADEFF'S (WHO DIED 6/28/72) AND ON DECEMBER 2, 1974 TRANSFERRED NON-REAL-ESTATE HOLDINGS TO U.S. CORPORATION AMERICAN ALHADEFF, INC., OF WHICH THEY OWN 35.01 PERCENT OF STOCK. AMERICAN ALHADEFF IN TURNS HOLDS SHARES RANGING FROM ONE-THIRD TO LIMITED OFFICIAL USE  
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99PERCENT IN FIVE ZAIRE COMPANIES. LETTER STATES REAL ESTATE HOLDINGS, THOUGH BELONGING TO HEIRS, REMAIN REGISTERED IN NAME OF MAURICE ALHADEFF SINCE PROBATE PROCEEDINGS STILL PENDING (THIS SEEMS INCONSISTENT WITH

MITCHELL STATEMENT PARA TWO KINSHASA 3076, WHICH DUNCAN AND ALLEN WERE AT LOSS TO EXPLAIN).

3. BELIEVE INFORMATION PRESENTED BY DUNCAN, ALLEN AND MITCHELL PROVIDES PRIMA FACIE CASE OF U.S. CHARACTER OF ALHADEFF ASSETS, JUSTIFYING U.S.G. INTEREST IN THE MATTER.

4. ALTHOUGH UNABLE TO PROVIDE ANY SPECIFIC EVIDENCE OF DEPRIVATION OF RIGHTS OF PROPERTY, DUNCAN AND ALLEN ARGUED THAT TIME TO ACT IS NOW, BEFORE STILL FLUID SITUATION JELLS, WHICH THEY FEAR IT MAY DO BY NEXT WEEK. AFTER CONSIDERABLE DISCUSSION OF POSSIBLE TACTICS, THEY PROPOSED THAT AMBASSADOR CONTACT APPROPRIATE GOZ OFFICIAL, PROBABLY BISENGIMANA, TO EXPRESS USG INTEREST IN CASE AND REQUEST APPOINTMENT FOR MITCHELL, PERHAPS ACCOMPANIED BY EMBOFF, TO DISCUSS IT. MITCHELL'S APPROACH WOULD BE TO SUGGEST THAT "MISTAKE" HAD BEEN MADE, SINCE THERE IS NO ZAIRIAN LEGISLATION TO PROVIDE FOR TAKEOVER OF REAL ESTATE OR OF ANY OF THE FIVE COMPANIES EXCEPT CHEZ JOCK (THE ONLY ONE WITH ANNUAL TURNOVER OF ONE MILLION ZAIRES OR MORE). HOPEFULLY, THIS, PLUS EXPRESSION OF USG INTEREST, WOULD LEAD TO WITHDRAWAL OF ALHADEFF FROM LIST OF 98 OR AT LEAST REDEFINITION OF ALHADEFF PROPERTIES AFFECTED TO EXCLUDE ALL BUT CHEZ JOCK.

5. WE ARE DUBIOUS THAT THIS GAMBIT WILL WORK BUT SEE NO OBJECTION TO GOING ALONG WITH IT IF EMBASSY CONCURS. IF IT DOESN'T WORK, EMBASSY MUST WEIGH ADVISABILITY OF FURTHER REPRESENTATIONS AND TIMING OF DEMARCHE ON COMPENSATION, IF THAT BECOMES APPROPRIATE, AS DISCUSSED PARAS FOUR AND FIVE OF STATE 085051. KISSINGER

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